

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOHN TOMILSON,  
  
Petitioner,

CASE NO. 2:07-cv-583  
JUDGE GRAHAM  
MAGISTRATE JUDGE ABEL

v.

ALLEN LAZAROFF, Warden,  
  
Respondent.

**OPINION AND ORDER**

On June 4, 2008, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus be dismissed as barred by the one year statute of limitations under 28 U.S.C. §2244(d). Although the Court explicitly advised the parties of the right to object to the *Report and Recommendation* and of the consequences of failing to do so, no objections have been filed. The Court notes that petitioner's notification of the Magistrate Judge's *Report and Recommendation* was returned as undeliverable, because petitioner apparently no longer resides at the Madison Correctional Institution; however, it is petitioner's responsibility to keep the Court advised of his current whereabouts.

The Magistrate Judge's *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

**IT IS SO ORDERED.**

S/James L. Graham  
JAMES L. GRAHAM  
United States District Judge